IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1014 (S/S) of 2006

Harish Chandra Singh Bhakuni,
Aged about 41 years,
Son of late Sri P.S. Bhakuni,
Resident of Village – Shail,
Post Office – Chanauda,
District – Almora. **…….Petitioner**

V e r s u s

1. State of Uttaranchal, through Education Secretary, Civil Secretariat, Dehradun.
2. Joint Director, Education, Kumaon Mandal, Nainital.
3. District Education Officer, Almora.
4. Principal, Mahatma Gandhi Smarak Intermediate College, Chanaud, District – Almora.
5. Management Committee, Mahatma Gandhi Smarak Intermediate College, Chanaud, District – Almora.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sundar Singh Bhandari, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1 to 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(i) issue a writ, order or direction in the nature of Certiorari to quash the impugned advertisement issued by the respondent no. 5 i.e. Management Committee, Mahatma Gandhi Smarak Intermediate College, Chanauda, District – Almora in regard to English subject specifically.

(ii) *Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 5 not to entertain any application in the English subject or stay the advertisement issued by respondent no. 5 during the pendency of this writ petition before this Hon'ble Court against English subject.*

(iii) *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

(iv) *Award cost of the petition.*

Petitioner has challenged the advertisement dated 12.07.2006 by which applications have been invited to fill up the posts of Lecturer (English) in Mahatma Gandhi Smarak Intermediate College, Chanauda, District – Almora. Petitioner has challenged the said advertisement on the ground that he is working in the Institution under PTA Scheme on the post of Assistant Teacher since 1993.

Petitioner in the writ petition has submitted that he was appointed as Clerk in the institution and still working as Clerk in the Institution. Annexure no. 1 to the writ petition is certificate issued by respondent no. 4 i.e. Principal, Mahatma Gandhi Smarak Intermediate College, Chanauda, District – Almora, reveals that petitioner is working as Assistant Clerk, in the Institution has been asked to teach English in High School apart from the clerical work. This does not mean that petitioner has been appointed as Assistant Teacher under PTA Scheme.

Government Order dated 26.11.2005 provides that posts which are being held by the persons appointed under PTA Scheme and are getting honorarium should not be filled. Since the petitioner is not appointed under PTA Scheme, therefore, he cannot get benefit of Government Order dated 26.11.2005.

Writ petition is devoid of merit, as such is dismissed, in limine. No order as to costs.

(M.M. Ghildiyal, J)

July 25, 2006
SKSharma